IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3433 OF 2004.
IN
CRIMINAL APPEAL NO. 655 OF 2002.

Chandsingh Ajitsingh Kalyani
& Ors. ..Applicants.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. A.P.Mundargi, Sr. Counsel with Jayesh B. Kocheta
for the applicants.

Mr. B. R. Patil, APP for the Respondent - State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : NOVEMBER 30, 2004.

P.C.:-

1. Heard both sides.

2. The bail application of the applicant Nos.4 & 5, namely, Khannasingh & Jalindersingh was earlier rejected on merit. This is second application on their behalf, there is no change of circumstance. Therefore, it is rejected.

3. So far as the applicant Nos.2 & 3 are concerned, we are not inclined to grant bail to them because in reply-affidavit, the State has pointed out that number of cases are pending against them and since they have a

criminal background we do not find it appropriate to release them on bail. Therefore, the bail application of the applicant Nos.2 & 3 is also rejected.

4. So far as the applicant No.1 is concerned, Mr. Mundargi submitted that he is not pressing for bail till the disposal of this appeal. However, he pointed out that out of seven brothers who are involved in the present matter, one brother has died in jail suffering of AIDS, namely, Lakhan Singh. He further submitted that accused No.1-Diddising has been granted bail by this court as it was noticed that he was suffering from the advanced stage of AIDS. Mr. Mundargi further submitted that the accused No.1 is practically on dead-bed. Thus, he submitted that there is no-one to support the family. All female members are in the family. He, therefore, submitted that the case of the applicant No.1 may be considered sympathetically for release on temporary bail for a period of two months. What we see that Mr. B.R.Patil, learned APP though vehemently opposed the grant of bail, looking to the situation of the family, he submitted that the temporary bail may be granted for a very limited period on heavy sureties and subject to certain restrictions.

. In view of these submissions made by both the sides, we are inclined to grant temporary bail to applicant No.1, only for a limited period of one month in order to

look to the family problems. We are inclined to grant temporary bail because we are told at bar by the Senior Counsel Mr. Mundargi that while earlier furlough was granted to applicant No.1 he has surrendered to the police authorities after completion of the furlough bail period.

Therefore, we pass the following order.

O R D E R.

1. The sentence of the applicant No.1 is suspended for a period of one month from the date of his release from the jail. The applicant No.1 be released on his furnishing bail of Rs.15,000/- with a like surety, for a period of one month. It is permissible to the applicant to render two sureties for this amount. The applicant shall report to the Wanawadi Police station, Pune during 7.00 p.m. to 8.00 p.m.. The accused is further directed not to contact any prosecution witness and/or threaten them during the bail period.

2. Application is disposed of accordingly.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**